

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of AMANDA KATHLEEN HOUGH  
and HEATHER LYNN HOUGH, Minors.

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DEPARTMENT OF HUMAN SERVICES, f/k/a  
FAMILY INDEPENDENCE AGENCY,

UNPUBLISHED  
May 9, 2006

Petitioner-Appellee,

v

KAREN HOUGH,

Respondent-Appellant.

No. 264745  
Oakland Circuit Court  
Family Division  
LC No. 03-677324-NA

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Before: White, P.J., and Fitzgerald and Talbot, JJ.

PER CURIAM.

Respondent appeals as of right from the order terminating her parental rights under MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

Respondent contends that the supplemental petition seeking termination of her parental rights, which was signed by the FIA caseworker and an assistant prosecuting attorney, was not valid. Respondent argues that these petitioners did not have standing because they did not file the initial petition, which alleged educational neglect and was signed by William Conley, the truancy officer of the Oakland Schools. Respondent cites *In re Hill*, 206 Mich App 689; 522 NW2d 914 (1994), to support her contention that the petitioners lacked standing. In *Hill*, this Court found that the prosecutor did not properly petition the court for termination but stated that under MCL 712A.17(4) the prosecutor had standing to appear in child protective proceedings at the request of the court. *Id.* at 691. Here, petitioners obtained standing to file the supplemental petition at the request of the court. Thus, respondent has failed to show that the trial court erred in authorizing the supplemental petition.

Respondent next contends that the trial court clearly erred in terminating her parental rights under MCL 712A.19b(3)(c)(i), (g), and (j). The termination of parental rights is appropriate where petitioner proves by clear and convincing evidence at least one ground for termination. *In re Trejo*, 462 Mich 341, 355; 612 NW2d 407 (2000). Once this has occurred, the trial court shall terminate parental rights unless it finds that the termination is clearly not in the best interests of the children. *Id.*, 353. This Court reviews the trial court's findings under the clearly erroneous standard. *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999).

We agree that the trial court clearly erred in terminating respondent's parental rights under subsection (3)(c)(i). The condition that led to adjudication was the educational neglect of respondent's children. Respondent did not have the chance to demonstrate an improved ability to get the children to school because the children were removed from her custody and she was ordered not to have contact with the school. Consequently, it was premature for the court to conclude that reform was not likely within a reasonable time. However, any error is harmless because at least one statutory ground was established by clear and convincing evidence. *In re KMP*, 244 Mich App 111, 118; 624 NW2d 472 (2000).

Respondent argues that her failure to comply with the case plan does not justify termination under subsection (3)(g).<sup>1</sup> However, our Supreme Court determined that a parent's failure to comply with the parent-agency agreement is evidence of a parent's failure to provide proper care and custody for the child. *In re JK*, 468 Mich 202, 214; 661 NW2d 216 (2003). Testimony revealed that respondent failed to show how she planned to support herself and her children. At the time of the termination hearing, respondent did not have a home for her children or a job. Although she babysat her sister's children, this was not a full-time job. There was also credible evidence that respondent physically abused one of the children. The trial court's finding that respondent failed to provide proper care and custody for the children and that there was a reasonable likelihood that the children would be harmed if returned to her care was supported by clear and convincing evidence. Given the amount of time this case was pending before the trial court, the court did not clearly err in finding that there was no reasonable likelihood that respondent would be able to provide proper care within a reasonable time. Thus, the trial court did not clearly err in terminating respondent's parental rights under subsections (3)(g) and (j).

Finally, respondent contends that termination of her parental rights was contrary to the best interests of her children. Although respondent made some progress in her counseling sessions with Dr. Benzler, attended parenting classes, and desired to have her children returned to her care, Dr. Julie Kwon opined that the children should not be returned to respondent's care. Dr. Kwon was concerned with respondent's anger, impulsiveness, and poor judgment. Sandra Joseph, the children's therapist, testified that the children were adjusting well in their placement. Thus, the trial court did not clearly err in finding that the evidence did not show that the children's best interests precluded termination of respondent's parental rights.

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<sup>1</sup> Respondent also argues that the case plan was not offered in a timely manner. Because respondent has failed to develop this argument sufficiently and has failed to provide any authority to support her contention, she has abandoned this claim. *People v Kevorkian*, 248 Mich App 373, 389; 639 NW2d 291 (2001); *Consumers Power Co v Public Service Comm*, 181 Mich App 261, 268; 448 NW2d 806 (1989).

Affirmed.

/s/ Helene N. White  
/s/ E. Thomas Fitzgerald  
/s/ Michael J. Talbot